

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MICHAEL G. GARTNER, Plaintiff, v. IOWA PUBLIC RADIO, INC., KAY K. RUNGE, DOUGLAS WEST, WARREN MADDEN, STEVE FIRMAN, and GLORIA GIBSON, Defendants.	EQUITY CASE NO.: EQCE074416 ORDER AND JUDGMENT
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<p>MICHAEL G. GARTNER, Plaintiff, v. IOWA PUBLIC RADIO, INC., KAY K. RUNGE, DOUGLAS WEST, MARK BRAUN, STEVE FIRMAN, and GLORIA GIBSON, Defendants.</p>	<p>EQUITY CASE NO.: EQCE074426 ORDER AND JUDGMENT</p>
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ON THIS 27th day of September, 2013, the above-entitled actions came before the Court on the joint application by counsel for Plaintiff and Defendants for entry of a stipulated consent order and judgment to dispose of each of these matters which was filed on September 25, 2013.. Counsel for the parties informed the Court that the parties are in agreement to the entry by the Court of this Order and Judgment, and that they are in agreement that an order and judgment be issued as submitted by the parties in each lawsuit or that the matters then proceed to trial.

In granting this application, the Court finds that the Iowa Public Radio, Inc. (“IPR”) Board meetings on December 13, 2012, and February 26, 2013, included closed sessions that did

not comply with the Iowa Open Meetings law, and the Court preliminarily rules that it is empowered to enforce the rights of the Plaintiff by mandamus and injunction and to award relief as provided by Iowa Code §21.6.

The Court orders and enters final judgment for Plaintiff Michael G. Gartner against the Defendants Iowa Public Radio, Inc., Kay K. Runge, Douglas West, Warren Madden, Steve Firman, and Gloria Gibson in Equity Case No.: EQCE074416 and against the Defendants Iowa Public Radio, Inc., Kay K. Runge, Mark Braun, Douglas West, and Steve Firman in Equity Case No.: EQCE074426, (hereafter the Defendants in both cases are referred to as “Defendants”) as follows:

1. IPR and all of its committees and board members are enjoined by mandatory injunction from future violations of Iowa Code Chapter 21 going forward for a period of five (5) years from the date of the filing of this judgment. If, during the effective period of this Consent Order and Judgment, the Court determines that IPR violated the Iowa Open Meetings law after the date of the entry of the judgment, then the effective period of the Consent Order and Judgment will be extended so that it will be in effect for five (5) years from the date on which the Court determines that IPR violated the Iowa Open Meetings law. This injunction will be enforced under penalty of civil contempt, in part as authorized by Iowa Code Section 21.6(2)(e).

2. IPR shall prepare and broadcast a public service announcement (“PSA”) regarding the services provided by the Iowa Public Information Board (“IPIB”), including contact information for obtaining guidance regarding compliance with the Iowa Open Meetings law and the Iowa Public Records law and information regarding the filing of complaints, requests for routine opinions, and requests for advisory opinions. IPR shall air the PSA one time per day each weekday in the 6-8 a.m. morning time period (Morning Edition) one week,

alternating with one time per day each weekday in the 4-6 p.m. afternoon time period (All Things Considered) the next week, and one time per weekend day for a total period of 26 weeks. The PSA will be subject to all applicable regulations of the Federal Communications Commission.

3. This Order and Judgment may be enforced by Plaintiff Michael G. Gartner or by Big Green Umbrella, Inc. (an Iowa corporation which publishes the newspaper *Cityview*) by proceedings for civil contempt.

4. Plaintiff's claims against the individual Defendants are hereby dismissed without prejudice.

5. Kay K. Runge has submitted her resignation as Chair of the Board and as a board member. IPR shall accept the resignation of Kay K. Runge as Chair of the Board and as a board member, and the resignation of Kay K. Runge will be effective on the date of the entry of this order and judgment by the Court.

6. The Board of Directors of IPR has agreed to appoint Steve Firman as its Chair and to appoint Gloria Gibson as its Vice-Chair, and the Court orders the Board of Directors of IPR to comply with the order and judgment. If, at any time during the effective period of this Order and Judgment, Steve Firman ceases to serve as Chair of the Board of Directors of IPR or Gloria Gibson ceases to serve as Vice-Chair of the Board of Directors of IPR, the Board of IPR may appoint a successor. The person appointed by IPR's Board of Directors as successor Chair or Vice-Chair shall not be a person who was named personally as one of the Defendants.

7. IPR shall pay to Plaintiff the stipulated sum of \$35,715.00 toward his attorney fees and litigation costs pursuant to Iowa Code Section 21.6(2)(b), which amount has been documented to Defendants and is deemed reasonable and appropriate.

8. IPR shall be assessed all court costs in this litigation.
9. The Court shall retain jurisdiction over the subject matter and the parties for enforcement of all Orders of the Court and this Consent Order and Judgment.



State of Iowa Courts

Type: OTHER ORDER

Case Number

EQCE074416

EQCE074426

Case Title

MICHAEL G. GARTNER V. IOWA PUBLIC RADIO, INC.

MICHAEL G. GARTNER V. KAY K. RUNGE, ET AL.

So Ordered

Lawrence P. McLellan, District Court Judge,
Fifth Judicial District of Iowa